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December 30, 1983

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Mr. Stanley J. Emery, Acting Fire Marshal
Division of Safety Services
Department of Safety
Hazen Drive
Concord, New Hampshire 03301

Dear Mr. Emery:

By memorandum dated November 14, 1983, you requested our opinion concerning the term "municipalities" as used in RSA 154:30-a and whether or not villages or precincts would be considered municipalities. It is our opinion that villages and precincts may be considered municipalities for the purposes of RSA 154:30-a.

RSA 154:30-a states:

"Whenever 10 or more municipalities within the state shall have voted to authorize their respective fire departments to render outside aid as provided in the preceding subdivision, they may, if they so desire, form a district fire mutual aid system, which shall be a public municipal corporation. They may petition the state fire marshal in writing to call the organization meeting of the system."

The "preceding subdivision" referred to in this section is RSA 154:24-30. RSA 154:24 provides that "[a]ny city, town, village or fire district" may authorize its fire department to go to the aid of another city, town, village or fire district to extinguish fires. In light of the reference in RSA 154:30-a back to

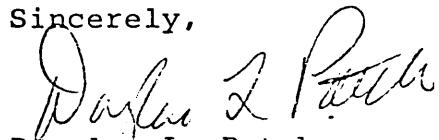


RSA 154:24-30, the term "municipalities" is intended to summarize the various entities enumerated in RSA 154:24. It would therefore be consistent with the provisions of RSA 154:30-a to consider villages and precincts as municipalities for the purpose of mutual aid systems.

It should also be noted that the overall purpose of RSA 154:30-a, et seq. is "to provide better and more efficient cooperation in the protection of life and property. . . ." RSA 154:30-c. It is certainly consistent with that purpose to allow villages and precincts with fire departments to participate in the mutual aid systems. Moreover, since private fire departments may be included in the mutual aid systems, RSA 154:30-d, there would be no logic in interpreting the term "municipalities" to exclude villages and precincts.

I trust this has been responsive to your questions. Please let me know if you require anything further.

Sincerely,



Douglas L. Patch
Assistant Attorney General
Division of Legal Counsel

DLP:ab

cc: Mr. Richard M. Flynn, Commissioner
Mr. Earl M. Sweeney, Deputy Commissioner
Mr. Robert X. Danos, Director
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